IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

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**WRIT PETITION NO : 22272 of 2004**

Between:

S. Raghunath, S/o. S. Somasunder Rao,
Defence Accounts Department, PAO (ORS), A.O.C., Secunderabad.

**.... PETITIONER**

AND

Amit Garg, Deputy Commissioner of Police,
Detective Department, Central Crime Station, Opp:Public Gardens, Hyderabad.

**...RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to declare the action of the Respondent and his subordinates in harassing the Petitioner by forcing him to attend the Police Station at the Central Crime Station, Opposite to Public Gardens, Hyderabad, in the guise of asking for the whereabouts of his father as highhanded, arbitrary and unconstitutional and to issue a consequential direction to the Respondent to act in accordance with law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent : GP FOR HOME

The Court at the admission stage, made the following :

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**ORDER:**

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The petitioner complains that he is being called by the respondent frequently to his office and is being forced to disclose the whereabouts of his father. Petitioner submits that his father has established business in Kurnool, and had incurred loss therein. He states that at the instance of the creditors of his father, the respondent is pressurizing him to reveal the whereabouts of his father.

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

In the absence of complete facts relating to the circumstances, under which the petitioner was called by the respondents, it is too difficult for this Court to record any finding. However, this much can be observed that in the absence of any specific allegation against the petitioner, as to commission of crime, and unless a case is registered against him under the relevant provision of law, the petitioner cannot be summoned frequently and indiscriminately. To the extent of verifying the whereabouts of a family member, the Police is certainly competent to inquire, but beyond a point, they cannot harass the family members. It shall be always open to them, in law, to take such steps as are necessary to locate and proceed against a person, that too where his presence is needed for investigation into a crime. Any step without following such procedure may amount to interference with the rights of the citizens.

Hence, the writ petition is disposed of, directing that the respondent shall not call or summon the petitioner or pressurize him on any aspect, except where he is accused of, committing any offence and a case is registered thereof. There shall be no order as to costs.

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**L. NARASIMHA REDDY, J.**

**Dt.03-12-2004**

Note: c c in two days.

(B/O)

*KO*

To

1) The Deputy Commissioner of Police,
Detective Department, Central Crime Station, Opp:Public

Gardens, Hyderabad.

2) 2 CCs to G.P for Home, High Court Buildings, Hyd.(OUT)

3) 2 CD copies.